



October 18 , 2022

Via Email

Special Master Thomas P. Scrivo, Esq.
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009

Re: Occidental Chemical Corp. v. 21st Century Fox Am., et al., No. 18-11273

Dear Special Master Scrivo:

We represent Occidental Chemical Corporation (“OxyChem”). MI Holdings, Inc. (MIH) does not have a right to prevent its deposition from occurring. OxyChem has the right to take MIH’s deposition. If MIH is truly available for a deposition on November 16, 17 or 18, it should commit to appearing without any reservation of rights regarding cases and motions yet to be filed.

This is MIH’s latest attempt to avoid its deposition altogether. For example, the deposition had been scheduled for September 23, 2022. On September 13, 2022, MIH notified OxyChem that it still had not produced documents responsive to the document request served in 2019. MIH presented OxyChem with an ultimatum: either adjourn the deposition, or take the deposition without the documents. See Exhibit 1. OxyChem agreed to adjourn the deposition until October 20, 2022, a date suggested by MIH. See Exhibit 2.

A week before the October 20, 2022 deposition, rescheduled at MIH’s request, MIH unilaterally adjourned it. MIH suggested rescheduling it for November 16, 17 or 18, but refused to agree to OxyChem’s request—given the history and difficulty in securing Defendants’ depositions in this matter—to agree to appear on one of those dates regardless of whether (a) a renewed motion to stay is filed or (b) a consent decree is lodged in a potential related case. MIH made clear that it would under no circumstances commit to actually providing a witness. See Exhibits 3, 4, 5 and 6. OxyChem then offered to move the deposition to dates MIH had previously indicated it could be available: October 25 or 27. Instead of responding to OxyChem’s additional offer, MIH contacted the Special Master.

MIH has demonstrated that it will only produce a Rule 30(b)(6) witness under compulsion of an order. The Special Master should issue such an order for November 17, 2022.

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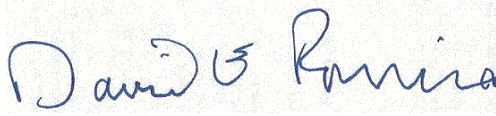
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Respectfully,

A handwritten signature in blue ink that reads "David Romine". The signature is written in a cursive style with a large "D" and a stylized "R".

David Romine

cc: Liaison Counsel